

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CLAIR REYNOLDS, MONICA MARTIRANO, BRADY LAING, JARED THOMAS PINEDA, WILLIAM MARTIN POWERS, TRINA HANCOCK, and KEN SCHAFER, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

FCA US LLC,

Defendant.

Case No. 2:19-cv-11745-AJT-EAS

Senior District Judge Arthur J. Tarnow

Magistrate Judge Elizabeth A. Stafford

**DEFENDANT FCA US LLC'S
NOTICE OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF ITS MOTIONS TO DISMISS**

Defendant FCA US LLC respectfully submits this notice to alert the Court to new authority in support of its pending motions to dismiss (ECF Nos. 26, 34). In opposing dismissal, Plaintiffs have argued that a dismissal on mootness grounds would be improper because they seek damages for a purported loss in market value of their vehicles. *See, e.g.*, ECF No. 27, PageID.2785; ECF No. 31, PageID.3384. However, on November 30, 2020, District Judge Gershwin A. Drain rejected this very argument when dismissing a similar case as moot. *See Opinion and Order Granting Defendant's Motion to Dismiss Amended Complaint in Flores v. FCA US LLC*, Case No. 19-10417, Docket No. 44 (attached hereto as Exhibit A), pp. 8-12.

Dated: December 4, 2020

Respectfully submitted,

THOMPSON COBURN LLP

By: /s/ Stephen A. D'Aunoy
Kathy A. Wisniewski (MO/38716
Stephen A. D'Aunoy (MO/54961)
Thomas L. Azar, Jr. (MO/56634)
One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6000
kwisniewski@thompsoncoburn.com
sdaunoy@thompsoncoburn.com
tazar@thompsoncoburn.com

BUSH SEYFERTH PLLC
Patrick G. Seyferth (P47575)
100 W. Big Beaver Rd., Suite 400
Troy, Michigan 48084
(248) 822-7800
seyferth@bsplaw.com

Counsel for Defendant FCA US LLC